

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Mustafa Abdullah,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14-cv-1436
)	
County of Saint Louis, Missouri, et al.,)	
)	
Defendants.)	
)	

MOTION FOR TEMPORARY RESTRAINING ORDER

Comes now Plaintiff, pursuant to Federal Rule of Civil Procedure 65(b), and moves this Court for entry of a temporary restraining order that prohibits Defendants, their officers, employees, or agents, and those acting on their behalf or in concert with them from ordering individuals who are violating no law to refrain from gathering or standing for more than five seconds on public sidewalks, threatening them with arrest for non-compliance, or arresting them.

Entry of a temporary restraining order is appropriate in this case because Plaintiff is likely to succeed on the merits, there is ongoing irreparable harm to Plaintiff and other parties not before this Court, the ongoing harm to Plaintiff absent an injunction outweighs any harm an injunction would cause to Defendants, and the issuance of an injunction is in the public interest.

Filed herewith, and incorporated herein by reference, is Plaintiff's Verified Complaint (Doc. # 1).

Plaintiff's suggestions in support of this motion will be filed shortly.

Bond should be waived or set at a nominal amount since there will be no demonstrable harm to Defendants if their likely unconstitutional actions are enjoined.

WHEREFORE, Plaintiff requests this Court:

- A. Enter a temporary restraining order that prohibits Defendants, their officers, employees, or agents, and those acting on their behalf or in concert with them from ordering individuals who are violating no law to refrain from gathering or standing for more than five seconds on public sidewalks, threatening them with arrest for non-compliance, or arresting them;
- B. Waive bond or set bond in a nominal amount; and
- C. Allow to Plaintiff such other and further relief as this Court deems just and equitable.

Respectfully submitted,

/s/ Anthony E. Rothert
ANTHONY E. ROTHERT, #44827MO
GRANT R. DOTY, #60788MO
AMERICAN CIVIL LIBERTIES UNION
OF MISSOURI FOUNDATION
454 Whittier Street
St. Louis, Missouri 63108
Telephone: (314) 652-3114
Facsimile: (314) 652-3112

GILLIAN R. WILCOX, #61278MO
AMERICAN CIVIL LIBERTIES UNION
OF MISSOURI FOUNDATION
3601 Main Street
Kansas City, Missouri 64111
Telephone: (816) 470-9938
Facsimile: (314) 652-3112

ATTORNEYS FOR PLAINTIFF

Certificate of Service

I certify that a copy of the foregoing was served upon defendant by placing the same in the First Class mail addressed as set forth below and by facsimile or emails as set forth below on August 18, 2014:

RONALD REPLOGLE
c/o James Layton
Solicitor General
PO Box 899
Jefferson City, Missouri 65102
Fax: 573-751-0774

County of Saint Louis, Missouri
c/o Patricia Redington
County Counselor
41 South Central Avenue
St. Louis, MO 63105
Fax: 314-615-3732

/s/ Anthony E. Rothert